REMARKS

The Examiner is thanked for the performance of a thorough search.

Prior to entry of this response, Claims 1-21 were pending in the application. By this amendment, no claims are added or cancelled. Hence, after entry of this response, Claims 1-21 are pending in the application, with Claims 1, 3, 4, 6, 10, 12, 13, and 18-21 amended herein.

SUMMARY OF THE REJECTIONS/OBJECTIONS

Claims 1, 3-17 and 19-21 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Farrell et al. ("*Farrell*"; U.S. Patent No. 6,751,663); and Claims 2 and 18 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Farrell* in view of Newton's Telecom Dictionary ("*Newton*").

THE REJECTIONS BASED ON THE PRIOR ART

Rejections Under 35 U.S.C. § 102(e)

Claims 1, 3-17 and 19-21 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by *Farrell*. This rejection is traversed because a *prima facie* case of anticipation is not established, as discussed in the following remarks.

One fundamental distinction between the embodiment recited in Claim 1 and the disclosure of *Farrell* is that Claim 1 recites a set of steps that are performed based on information specified in a user-definable operational specification, but *Farrell* does not disclose such a user-definable operational specification. Therefore, the Office Action does not establish a valid *prima facie* case of anticipation.

The Office Action relies on the accounting policy of *Farrell* for an alleged teaching of the operational specification of Claim 1. The accounting policy of *Farrell* is user-specified, however, *Farrell* explicitly describes the accounting policy 568 as a collection of accounting

objects 570, each defined as an accounting entity identifier 572 and a set of metrics, where the accounting entity identifier is an abstract object resulting from construction functions that use the flow data collector data as its original starting point (col. 21, line 65 through col. 22, line 4). *Farrell* elaborates further on the accounting policy in describing an aggregation adjustment that takes an accounting policy that is a collection of accounting objects and decomposes those accounting objects into their accounting entity identifiers and then further decomposes the accounting entity identifiers in a recursive fashion to provide the collection of basic data and functions needed to construct those accounting identifiers (col. 22, lines 19-26).

In contrast with Claim 1, *Farrell* does not disclose that the accounting policy (a) specifies the specific network devices from which data is to be acquired (*see*, e.g., target section 330 of paragraph [0042], which contains information as to the identity of the specific network devices 102 that the collector module 220 will poll), or (b) specifies formulas used to transform acquired data (*see*, e.g., paragraph [0035], describing data transforms, trending formula and storage instructions specified in configuration information 210; paragraph [0043], describing that the operation section 340 of configuration information 210 contains one or more arithmetic formulas that define specific transformations to be performed on the acquired data; paragraph [0045], describing that the aggregation section 370 of configuration information 210 contains various parameters relating to aggregating the acquired data, such as how often stored data should be aggregated, which data to select, specific formulas for transforming the data into trending information).

Farrell mentions that data collectors collect data in the form of raw accounting information specific to a device type (col. 3, lines 47-51), using a push model, pull model, or event driven model (col. 3, line 59 through col. 4, line 5), and that the data collectors are placed close to or within the network device that the collector is assigned to (col. 4, lines 6-10), such

as at specific Points of Presence (col. 4, lines 55-58). The point being that the network devices from which data is collected seem to be predefined, and not user-definable, as with the embodiment recited in Claim 1.

Farrell describes an accounting process 14 that collects, via the data collector layer 18, multiple and diverse types of data from the network 11 and normalizes the data into a consistent accounting record (col. 2, lines 45-48), and describes the network accounting records (NARs) as normalized data records (col. 7, lines 53-56). The Office Action relies on this normalization of diverse data types as an alleged teaching of transforming acquired data of Claim 1. However, *Farrell* does not teach or suggest any data transformation beyond the aforementioned normalization. Therefore, Farrell does not teach or fairly suggest specific user-specified formulas, specified in the operational specification, for transforming the data, such as into trending information.

Furthermore, it appears that *Farrell* is only concerned with accounting information, as exemplified in Table 1 by the fields that can be captured in a NAR and in the associated description that indicates that a summary NAR depicts the total expense of a transaction or set of transactions on a network and an activity NAR depicts expenses of a transaction at any point in time (col. 8, line 24 through col. 9, line 30). By contrast, recited in Claim 1 is a method of collecting network management information, such as information relating to fault, configuration, status, performance and security (see, e.g., paragraph [0003]) rather than expenses and accounting information.

Summarizing the foregoing discussion, the accounting policy described in *Farrell* is not a teaching that substantiates a valid anticipation rejection of Claim 1 because there is no teaching that the accounting policy is used (a) to specify particular network devices from which to acquire data and (b) to specify formulas for transforming data acquired from the specified

network devices and (c) for collecting network management information or any information outside of the accounting/expenses context. Hence, the accounting policy of *Farrell* cannot and does not provide the capability for a user to specify how to transform network management data acquired from specific network devices into desired trending information and, therefore, effectively enable insertion of some business logic into the data collecting, aggregating and monitoring process. For all the foregoing reasons, Claim 1 is patentable over Farrell. Therefore, withdrawal of the rejection of Claim 1 under 35 U.S.C. § 102 is respectfully requested.

Independent Claims 10 and 19-21 recite, *inter alia*, similar limitations as those discussed above in reference to Claim 1. Therefore, Claims 10 and 19-21 are patentable over the *Farrell* reference for at least the same reasons as Claim 1. Additionally, Claims 10, 19 and 21 recite aggregation of data to <u>form trending data</u> by performing a <u>specific arithmetic aggregation that is specified in the operational specification</u>. As discussed above, the disclosure of *Farrell* does not teach or suggest allowing a user to specify specific ways to transform network management data acquired from specific network devices into desired trending information. Consequently, Claims 10, 19 and 21 are further patentable over the cited references of record for this additional reason.

Claims 3-9 and 11-17 depend from Claims 1 and 10, respectively. Therefore, Claims 3-9 and 11-17 are patentable over the *Farrell* reference for at least the same reasons as the claims from which they respectively depend. Furthermore, each of Claims 2-9 and 11-17 includes at least one other limitation that makes it further patentable over the reference of record. However, due to the fundamental difference between Claim 1 and *Farrell* discussed above,

discussion of these additional differences is foregone at this time except to the extent presented below. However, the rejection of the dependent claims is collectively traversed, and no statements of official notice or allegations of well-known features that may be present in the Office Action are stipulated to or admitted as prior art features, and the right to separately argue such features in the future is not disclaimed.

For example, Claim 3 recites that the operational specification includes a scheduling block to direct the network management system to perform the querying step at a preset time. By contrast, the time event-based timer or counter 320 of *Farrell*, which the Office Action relied upon for an alleged teaching of the user-specified scheduling feature of Claim 3, is used solely to determine when to transfer stored NARs to the flow aggregation process. Thus, *Farrell* does not teach user-specified scheduling of data collection from specified network devices in an operational specification, or in the accounting policy. Therefore, Claim 3 is further patentable over the cited reference of record for this additional reason.

For example, Claim 4 recites that the step of querying the specific network devices includes using a network communication protocol that is defined in said operational specification for each of said specific network devices. By contrast, the push/pull client-server models discussed in *Farrell* are not communication protocols, but are higher-level techniques for delivering information, which techniques may utilize particular communication protocols. Furthermore, neither the use of push or pull models nor the use of the TCP/IP protocol are specified in an operational specification, or in the accounting policy. Thus, *Farrell* does not teach querying specific network devices using user-specified communication protocols specified in an operational specification, or in the accounting policy. Therefore, Claim 4 is further patentable over the cited reference of record for this additional reason.

For example, Claim 5 recites that transforming data acquired from the specific network devices includes performing an arithmetic transformation <u>on the acquired data</u>, where the arithmetic transformation is specified in the operational specification. By contrast, the sequence number NAR_SEQ-NUM of *Farrell*, which the Office Action relied upon for an alleged teaching of the user-specified arithmetic transformation of Claim 5, is simply a <u>sequence number</u> used to uniquely identify different NARs. Monotonically increasing that sequence number that identifies a record is not an arithmetic transformation of the data contained in the record. That is, monotonically increasing that sequence number is an operation on the sequence number itself, not on the acquired data, as with Claim 5. Thus, *Farrell* does not teach user-specified arithmetic transformation of data collected from specified network devices. Therefore, Claim 5 is further patentable over the cited reference of record for this additional reason.

For example, Claim 6 recites monitoring the data acquired from the specific network devices, the transformed data, and the stored data for compliance with at least one threshold criterion value specified in the operational specification. Comparing newly populated NARs with stored NARs to determine if there are duplicate NARs does not require a threshold value. Either a NAR is a duplicate or it is not, so there is really no use for a threshold value for determining duplicity as in *Farrell*. Furthermore, *Farrell* does not teach user-specified threshold values for comparing with data collected from specified network devices. Therefore, Claim 6 is further patentable over the cited reference of record for this additional reason.

Rejections Under 35 U.S.C. § 103(a)

Claims 2 and 18 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Farrell* in view of *Newton*. This rejection is traversed because a *prima facie* case of obviousness is not established, as shown in the following remarks.

Claim 2 depends from Claim 1. Therefore, *Farrell* is deficient in its teachings regarding the rejection of Claim 2 similarly to the rejection of Claim 1, discussed above. Furthermore, *Newton* does not cure these deficiencies in the disclosure of *Farrell*. Therefore, Claim 2 is patentable over the cited references of record for at least the same reasons as Claim 1.

Independent Claim 18 recites, *inter alia*, similar limitations as those discussed above in reference to Claims 1 and 10. Therefore, *Farrell* is deficient in its teachings regarding the rejection of Claim 18 similarly to the rejection of Claims 1 and 10, discussed above. Furthermore, *Newton* does not cure these deficiencies in the disclosure of *Farrell*. Therefore, Claim 18 is patentable over the cited references of record for at least the same reasons as Claims 1 and 10.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims (1-21) are in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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